



Attorney's Docket No. LIDAK-024A

(Ket 26-2/83 Pub. ed. 5)

FORM 7-10

7-33

PATENT

ASSIGNMENT BRANCH

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RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☐ In re application of\*:

Serial No.:

Group No.:

Filed:

Examiner:

For\*:

☒ Patent No.: 4,874,794 Issued: 10/17/89

\*NOTE: Insert name(s) of inventor(s) and title also for patent. Where statement is with respect to a maintenance fee payment also insert application serial number and filing date and add Box M. Fee to address.

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(c-f) and 1.27(b-d))

With respect to the invention described in

☐ the specification filed herewith.

☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_

☒ patent no. 4,874,794, issued 10/17/89

I. IDENTIFICATION OF DECLARANT AND RIGHTS AS A SMALL ENTITY

I hereby declare that I am

(complete either (a), (b), (c) or (d) below):

(a) Independent Inventor

☐ a below named independent inventor and that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code to the Patent and Trademark Office.

(b) Non-Inventor Supporting a Claim By Another

☐ making this verified statement to support a claim by

\_\_\_\_\_ for a small entity status for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code and I hereby declare that I would qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under 41(a) and (b) of Title 35, United States Code, if I had made the above identified invention.

(c) Small Business Concern

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN LIDAK PHARMACEUTICALS

ADDRESS OF CONCERN 11077 North Torrey Pines Road

La Jolla, CA 92037

and that the above identified small business concern qualifies as a small business concern as

defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of the Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

**(d) Non-Profit Organization**

- ☐ an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION \_\_\_\_\_

ADDRESS OF ORGANIZATION \_\_\_\_\_

**TYPE OR ORGANIZATION**

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- ☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c) (3))
- ☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)
- ☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c) (3)) IF LOCATED IN THE UNITED STATES OF AMERICA
- ☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

and that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code.

**II. OWNERSHIP OF INVENTION BY DECLARANT**

I hereby declare that rights under contract or law remain with and/or have been conveyed to the above identified

- ☐ person  
(item (a) or (b) above)
- ☒ concern  
(item (c) above)
- ☐ organization  
(item (d) above)

EXCEPT, that if the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if

(Small Entity Verified Statement (37 CFR 1.9(c-f) and 1.27(b-d) [7-10])—page 2 of 4)

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that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a non-profit organization under 37 CFR 1.9(e).

- ☒ no such person, concern, or organization  
☐ person, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

### III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

### IV. DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

### V. SIGNATURES

(complete only (e) or (f) below)

(e)

NOTE: All inventors must sign the verified statement

\_\_\_\_\_  
Name of Inventor

\_\_\_\_\_  
Signature of Inventor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Inventor

\_\_\_\_\_  
Signature of Inventor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Inventor

\_\_\_\_\_  
Signature of Inventor

\_\_\_\_\_  
Date

or

Bank of America Building  
300 South Harbor Boulevard, Suite 805  
Anaheim, California 92805

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(f)

*NOTE: The title of the person signing on behalf of a concern or non-profit organization should be specified.*

NAME OF PERSON SIGNING Fred A. Espinosa  
TITLE OF PERSON President

(if signing on behalf of a concern or non-profit organization)

ADDRESS OF PERSON SIGNING 11077 North Torrey Pines Road  
La Jolla, CA 92037

SIGNATURE *Fred A. Espinosa* DATE March 29, 1990

(Small Entity Verified Statement (37 CFR 1.9(c-f) and 1.27(b-d) [7-10]—page 4 of 4)